

CRM-M-13059-2024 -1-

2024:PHHC:084416



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-13059-2024

Date of Decision: 08.07.2024

Piyush Bansal

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Ms. Poonam Saroya, Advocate for
Mr. Gautam Kaile, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioner who is the husband of the complainant/respondent No.2 herein, has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 735 dated 16.11.2015 (Annexure P-1) under Sections 323, 498-A, 34 and 506 IPC, registered at Police Station Sector-5, Gurugram on the basis of Compromise Deed dated 01.03.2024 (Annexure P-3) arrived at between the parties.

Pursuant to the orders dated 15.03.2024 and 20.05.2024 passed by this Court, the parties appeared before the learned Additional Principal Judge, Family Court, Gurugram, to get their statements recorded. Learned Additional Principal Judge, Family Court, Gurugram, has submitted his report along with statements of the parties vide letter



dated 27.05.2024 duly forwarded by the learned District and Sessions Judge, Gurugram on 28.05.2024.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared and suffered their first motion statements on 06.01.2024 and second motion statements on 06.07.2024 with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioner submits that the present FIR emanates from the matrimonial dispute between the parties. It is further stated that a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for divorce by way of mutual consent has also been filed before the Family Court, Gurugram wherein first motion statements of the parties have already been recorded on 06.01.2024 and second motion statements have been recorded on 06.07.2024. He further submits that as per report, the present petitioner and respondent No.2 are the only party to the compromise and have never been declared as proclaimed offenders. There is no other criminal case pending against the petitioner.

Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Additional Principal Judge, Family Court, Gurugram, this Court finds that the matter has been amicably settled between the petitioner and



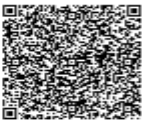
respondent No. 2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in “***Kulwinder Singh and others Vs State of Punjab***”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of “***Gian Singh Vs. State of Punjab and another***”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed here-in-above, this



petition is allowed and FIR No. 735 dated 16.11.2015 (Annexure P-1) under Sections 323, 498-A, 34 and 506 IPC, registered at Police Station Sector-5, Gurugram on the basis of Compromise Deed dated 01.03.2024 (Annexure P-3), are ordered to be quashed qua the petitioner.

08.07.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No